

BEFORE THE IDAHO STATE ATHLETIC COMMISSION

In re:)	
)	Case No. ATC-2008-2
WORLD COMBAT SANCTIONING)	
FEDERATION, aka WCSF,)	ORDER ON
)	EMERGENCY PROCEEDINGS
Respondent.)	
)	

Title 54, chapter 4, Idaho Code charges the Idaho State Athletic Commission (the “Commission”) with directing, supervising, and controlling all boxing, kickboxing and martial arts contests and exhibitions in Idaho. This matter comes before the Commission as an emergency proceeding under the Idaho Administrative Procedures Act, Idaho Code § 67-5247. The Commission has reviewed its files and the Affidavit of John Kersey, Chief Investigator of the Bureau of Occupational Licenses, and finds, concludes and orders as follows:

FINDINGS OF FACT AND CONCLUSIONS OF LAW

1. Idaho Code § 54-406(3)(b) exempts from the Commission’s laws contests consisting entirely of amateurs which have been sanctioned as amateur athletic events by (i) USA Boxing, *Inc.*, (ii) the Amateur Athletic Union of the United States, *Inc.*, or “(iii) Any other *entity* that the commission approves as an officially recognized amateur boxing or other amateur athletic sanctioning authority.” (Emphasis added.)

2. On January 10, 2007, attorney A.J. Bohner sent a letter to the Commission on behalf of his clients, Kasey Thompson and EW International, which asked the Commission to approve the WCSF as an amateur sanctioning authority under Idaho Code § 54-406(2) (now Idaho Code § 54-406(3)). On January 12, 2007, Commission attorney Roger Hales replied to Mr. Bohner’s letter noting, in part: “after a review of the rules and regulations of the WCSF, the commission is comfortable approving the WCSF as an amateur athletic sanctioning authority” The Commission also noted that each “sanctioned event must only utilize amateur athletes.”

3. The Commission approved the WCSF while under the impression that the WCSF was, in fact, an entity. *See* Idaho Code § 54-406(3)(b)(iii) (allowing approval of an “entity”). The Commission has subsequently learned, however, that the Idaho Secretary of State’s Office has no record of any entity called the World Combat Sanctioning Federation or WCSF. The Commission presently is unsure of who or what the WCSF really is. The approval of the WCSF must be rescinded if the WCSF is not an entity that may be approved under the Commission’s laws.

4. As noted in Paragraph 1 above, the Commission does not regulate amateur events that are sanctioned by an approved amateur sanctioning organization such as WCSF. Rather, the Commission entrusts the sanctioning organization to regulate the event in accordance with the organization’s rules and regulations approved by the Commission. Accordingly, when the Commission considers whether to approve such an organization, an important factor in deciding to grant approval is whether the organization’s rules and regulations appear adequate to protect the safety and health of the amateur fighters in the event.

5. The Commission approved WCSF only after reviewing the WCSF’s Rules and Regulations (“Rules”). At the time, the Commission was under the impression that the WCSF would require a medical doctor to serve as the ringside physician at its sanctioned amateur events. The WCSF has now amended its Rules to omit any requirement that a “medical” doctor attend WCSF-sanctioned events. The WCSF’s amended Rules, as worded as of August 25, 2008, simply require that a “*Doctor* must be at Cage side during any WCSF sanctioned fight.”¹ The WCSF’s current Rules potentially allow non-medical doctors—such as chiropractor or naturopathic physicians—to serve as the ringside physician. The Commission presently is unaware that these non-M.D.

¹ The WCSF’s Rules previously stated that a “Medical doctor must be present at all times” during WCSF-sanctioned events.

physicians receive the education and training necessary to adequately care for fighters in emergency ringside medical situations.

6. This is a matter of real concern. The WCSF's currently amended Rules appear to reflect the WCSF's actual practice of not consistently requiring medical doctors to attend an event. For example, during the December 13, 2007, CCF VIII "Annihilation" event, a chiropractor served as the attending physician. Similarly, during the December 22, 2007, "ICE Box Brawl" event, the only medical personnel present were members of the Pocatello EMS. Both events were WCSF-sanctioned exempt amateur events.

7. Another matter of concern is that professional fighters are fighting in WCSF-sanctioned exempt amateur events. As noted in Paragraph 1 above, Idaho Code § 54-406(b) requires that exempt amateur events be "entirely contests or exhibits, in which all contestants are amateurs" Idaho Code § 54-402(1)(a) defines "amateur," in part, as "an individual who has never been a professional boxer [including mixed martial artists] . . . as well as an individual who has never received nor competed for any purse or other article of value, either for participating in any contest or exhibition of unarmed combat or for the expenses of training therefore, other than a noncash prize which does not exceed fifty dollars (\$50.00) in value."

8. Despite this amateurs-only requirement, the WCSF is not ensuring that only amateurs fight in WCSF-sanctioned exempt amateur events. A case in point involves fighter Tyler Freeland. Mr. Freeland first fought as a professional in the May 12, 2007, XFS V "Heavy Hitters" event. This event was a pro-event promoted by Kasey Thompson/Knockout Promotions and was not a WCSF-sanctioned exempt amateur event. Although the Commission understands that amateurs sometimes fight in professional events, in this case Mr. Thompson actually paid Mr. Freeland \$200.00 and gave Mr. Freeland tickets collectively valued at more than \$50.00 for participating in the event. Accordingly, Mr. Freeland did not fight as an amateur as defined in Idaho Code § 54-

402(1)(a). Rather, he was a professional fighter as of the date of this XFS event, May 12, 2007.

9. Notwithstanding Mr. Freeland's professional status as of May 12, 2007, Mr. Freeland subsequently fought in the August 23, 2007, Auto Cage War 1 event and in the September 7, 2007, CCF VI "Carnage" event. Both events were WCSF-sanctioned exempt amateur events.

10. At least as early as March 20, 2008, promoter Kasey Thompson/Knockout Productions' XFS-Extreme Fight Series website reported that Mr. Freeland was a "pro fighter." Notwithstanding this, on June 21, 2008, pro-fighter Freeland again fought in another WCSF-sanctioned exempt amateur event promoted by Thompson/Knockout Promotions: CCF XII "Mass Destruction." Mr. Thompson paid Mr. Freeland \$200.00 for participating in this event, and also gave Mr. Freeland fifteen (15) tickets to sell for which Mr. Freeland would keep 30% of the sale price. Tickets for this event sold at between \$25.00 and \$45.00 per ticket. The collective value of these tickets to Mr. Freeland was, therefore, at least \$112.50. As in his prior CCF appearances, Mr. Freeland did not compete in this WCSF-sanctioned exempt amateur event as an "amateur" as defined by the Commission.

11. It appears that Mr. Freeland's case is the rule rather than the exception. Mr. Thompson, who promotes the WCSF-sanctioned exempt amateur CCF events, freely admits he commonly gives fighters up to six (6) tickets for participating in CCF contests, and that the fighters may sell the tickets and split the proceeds or just give them away. Another CCF fighter, Kevin Roach, confirms this. He states that he received six (6) tickets to sell or to give to his friends in exchange for participating in the December 13, 2007, CCF VIII "Annihilation" event.

12. WCSF-sanctioned exempt amateur events held at the Qwest Arena in Boise from December 13, 2007, through July 18, 2008 (including the "Annihilation" event) sold at \$20.00 to \$45.00 per ticket. Accordingly, a CCF fighter like Mr. Roach who

received six (6) tickets would have received items that collectively exceeded \$50.00 in value. As a result, all such fighters were professionals when they fought in these WCSF-sanctioned, exempt amateur CCF events.


13. By sanctioning allegedly exempt amateur events in which professional fighters compete, the WCSF is not protecting the health and safety of the fighter or working in the best interests of the public or the sport. The WCSF's conduct in allowing such fights to occur places the true amateur fighter at greater risk of sustaining severe injury. These concerns compound when, as noted previously, the WCSF allows non-M.D. medical personnel to serve as the attending ringside physician for the event. Additionally, since professionals were competing in these WCSF-sanctioned events, those events were not "exempt" from the Commission's laws. If the Commission had known that professionals would compete, it would not have allowed the events to have occurred unless the promoter had first obtained a Sanctioning Permit enabling the Commission to regulate the event for the fighters' protection. *See Idaho Code § 54-420(1).*

14. On July 31, 2008, the WCSF notified the Bureau of Occupational Licenses that WCSF-sanctioned exempt amateur events will tentatively occur on August 28, 2008, and will occur on September 5 and 27, October 25, and December 10, 2008.

15. The Commission finds that the above situation involves an immediate danger to the public health, safety or welfare requiring immediate action by the Commission.

ORDER

Based upon its concern for the public health, safety and/or welfare, the Commission hereby takes the following action, which the Commission deems necessary to prevent or avoid the immediate danger described above: The Commission suspends its approval of the World Combat Sanctioning Federation aka WCSF as an Idaho Code § 54-406(3)(b)(iii) amateur athletic sanctioning authority. Such suspension shall be in effect

until further notice. During that time, the WCSF shall not sanction any CCF or other "amateur" mixed martial arts event, and no amateur event shall be exempted from the Commission's laws and rules by virtue of a WCSF sanction. The WCSF shall promptly notify the promoters of any such events that if such events are to proceed, the promoter must apply for and obtain a Sanctioning Permit from the Commission or a sanction from another Commission-approved amateur athletic sanctioning authority or entity referenced in Idaho Code § 54-406(3)(b). 

Pursuant to Idaho Code § 67-5247(3), this suspension Order shall be effective when issued. In addition, the Commission shall proceed as quickly as feasible to complete any proceedings that would be required if the matter did not involve an immediate danger.

IT IS SO ORDERED.

DATED this 29th day of August, 2008.

IDAHO STATE ATHLETIC COMMISSION

By 
Tom Katsilometes, Commissioner

NOTICE OF DUE PROCESS RIGHTS

This is a final order of the Commission. Any party may file a motion for reconsideration of this final order within fourteen (14) days of the service date of this order. The Commission will dispose of the petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law. See Idaho Code § 67-5246(4).

Pursuant to Idaho Code §§ 67-5270 and 67-5272, any party aggrieved by this final order or orders previously issued in this case may appeal this final order and all previously issued orders in this case to district court by filing a petition in the district court of the county in which:

- a. A hearing was held,
- b. The final agency action was taken,

- c. The party seeking review of the order, resides, or
- d. The real property or personal property that was the subject of the agency action is located.

An appeal must be filed within twenty-eight (28) days (a) of the service date of this final order, (b) of an order denying petition for reconsideration, or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration, whichever is later. See Idaho Code § 67-5273. The filing of an appeal to district court does not itself stay the effectiveness or enforcement of the order under appeal.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 29th day of August, 2008, I caused to be served true and correct copies of the foregoing by the following method to:

World Combat Sanctioning Federation
c/o Taylor Irvin
1519 North Main Street
Meridian, ID 83642

- ☒ U.S. Mail
- ☐ Hand Delivery
- ☒ Certified Mail, Return Receipt Requested
- ☐ Overnight Mail
- ☐ Facsimile: _____
- ☐ Statehouse Mail

World Combat Sanctioning Federation
c/o John Holsman
1879 North 27th Street
Boise, ID 83702

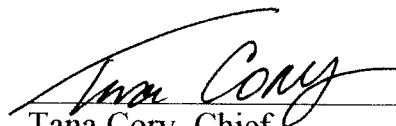
- ☒ U.S. Mail
- ☐ Hand Delivery
- ☒ Certified Mail, Return Receipt Requested
- ☐ Overnight Mail
- ☐ Facsimile: _____
- ☐ Statehouse Mail

World Combat Sanctioning Federation
c/o John Holsman
1603 North 29th Street
Boise, ID 83703

- ☒ U.S. Mail
- ☐ Hand Delivery
- ☒ Certified Mail, Return Receipt Requested
- ☐ Overnight Mail
- ☐ Facsimile: _____
- ☐ Statehouse Mail

Karl T. Klein
Deputy Attorney General
P.O. Box 83720
Boise, ID 83720-0010

- ☐ U.S. Mail
- ☐ Hand Delivery
- ☐ Certified Mail, Return Receipt Requested
- ☐ Overnight Mail
- ☐ Facsimile: _____
- ☒ Statehouse Mail



Tana Cory, Chief
Bureau of Occupational Licenses